

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27284

PERMIT 18875

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. Permit 18875 was issued to U.S. Tahoe National Forest on May 23, 1983, pursuant to Application 27284.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (Board).
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1991

(0000008)

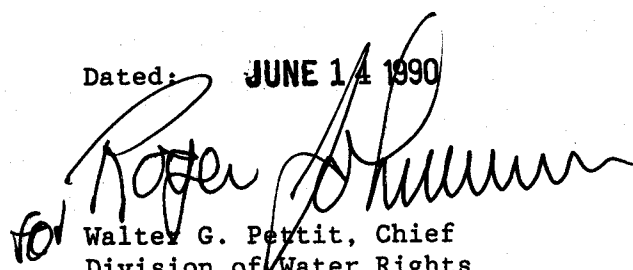
2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1993

(0000009)

Dated: **JUNE 14 1990**


Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27284

PERMIT 18875

LICENSE _____

ORDER APPROVING A CHANGE IN DISTRIBUTION OF
STORAGE, ADDITION OF A POINT OF DIVERSION AND
PLACE OF USE, AND AMENDMENT OF THE PERMIT

WHEREAS:

1. A petition to change the distribution of storage, add a point of diversion on unnamed stream and add to the place of use have been filed with the State Water Resources Control Board.
2. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Permission is hereby granted under this permit to change the distribution of storage as follows:

4 ACRE-FEET TO BE STORED AT RESERVOIR #1
4 ACRE-FEET TO BE STORED AT RESERVOIR #2
4 ACRE-FEET TO BE STORED AT RESERVOIR #3
4 ACRE-FEET TO BE STORED AT RESERVOIR #4
16 ACRE-FEET TO BE STORED AT RESERVOIR #5

32 ACRE-FEET TOTAL

2. Paragraph 1 of this permit regarding sources are amended to read as follows:

(1) Carman Creek tributary to Sierra Valley Channels thence Middle Fork Feather River

(2) Unnamed Stream (AKA Folchi Creek) tributary to Carman Creek tributary to Sierra Valley Channels thence Middle Fork Feather River

3. The points of diversion under this permit shall be as follows:

(1) North 150 feet and East 100 feet from S $\frac{1}{4}$ corner Section 5, T21N, R14E, MDB&M, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 5.

(2) North 300 feet and West 400 feet from S $\frac{1}{4}$ corner Section 5, T21N, R14E, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 5.

(3) North 1,200 feet and West 900 feet from S $\frac{1}{4}$ corner Section 5, T21N, R14E, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 5.

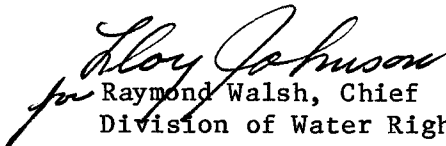
(4) South 1,300 feet and East 1,600 feet from W $\frac{1}{4}$ corner Section 5, T21N, R14E, MDB&M, being within of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 5.

(5) North 600 feet and East 800 feet from S $\frac{1}{4}$ corner Section 5, T21N, R14E, MDB&M, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 5.

4. The places of use under this permit shall be as follows:

At the reservoirs #1 within SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 5, T21N, R14E, MDB&M
#2 within SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, T21N, R14E, MDB&M
#3 within SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, T21N, R14E, MDB&M
#2 within NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, T21N, R14E, MDB&M
#5 within SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, T21N, R14E, MDB&M

Dated: NOVEMBER 20 1986


for Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27284

PERMIT 18875

LICENSE _____

ORDER CORRECTING POINT OF DIVERSION
AND PLACE OF USE

WHEREAS:

1. A request to correct the description of point of diversion #4 and place of use #4 under said permit has been filed with the State Water Resources Control Board.
2. The USGS 7.5° Quadrangle map Calpine, 1981 shows the #4 point of diversion and place of use as being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, T21N, R14E, MDB&M. Permit 18875 describes the same point of diversion and place of use as being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 5, T21N, R14E, MDB&M. A correction in the description of point of diversion #4 and place of use #4 under said permit is needed to conform the description with the location on the photorevised quadrangle.
3. The State Water Resources Control Board has determined that said correction in the description of point of diversion #4 and place of use #4 will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.

NOW, THEREFORE, IT IS ORDERED THAT:

The point of diversion #4 and place of use under Permit 18875 be described as follows:

Point of Diversion #4 - South 1,300 feet and East 1,600 feet from W $\frac{1}{4}$ corner of Section 5, T21N, R14E, MDB&M, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 5.

Place of Use #4 - At reservoir within NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, T21N, R14E, MDB&M.

Dated: MARCH 27 1985

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27284

PERMIT 18875

LICENSE _____

ORDER APPROVING CHANGE IN DISTRIBUTION OF
STORAGE, ADDITION OF POINTS OF DIVERSION AND
PLACE OF USE, AND AMENDING THE PERMIT

WHEREAS:

1. Petitions to change the distribution of storage, add two points of diversion and places of use have been filed with the State Water Resources Control Board.
2. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Permission is hereby granted under this permit to change the distribution of storage as follows:

8 ACRE-FEET TO BE STORED AT EACH OF THE 4 RESERVOIRS

2. The total amount of water collected to storage under this permit, shall not exceed 32 acre-feet per annum.
3. The points of diversion under this permit shall be as follows:
 - (1) North 150 feet and East 100 feet from S $\frac{1}{2}$ corner Section 5, T21N, R14E, MDB&M, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 5.
 - (2) North 300 feet and West 400 feet from S $\frac{1}{2}$ corner Section 5, T21N, R14E, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 5.
 - (3) North 1,200 feet and West 900 feet from S $\frac{1}{2}$ corner Section 5, T21N, R14E, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 5.
 - (4) South 600 feet and East 1,000 feet from W $\frac{1}{2}$ corner Section 5, T21N, R14E, MDB&M, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 5.
4. The places of use under this permit shall be as follows:

At the 4 reservoirs — #1 within SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 5, T21N, R14E, MDB&M
#2 within SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, T21N, R14E, MDB&M
#3 within SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, T21N, R14E, MDB&M
#4 within NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, T21N, R14E, MDB&M

5. Paragraph 12 of this permit is deleted. A new Paragraph 12 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: JANUARY 23 1985



Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27284

PERMIT 18875

LICENSE _____

ORDER APPROVING A CHANGE IN PERMIT TERMS

WHEREAS:

1. Decision 1594 was adopted by the State Water Resources Control Board on November 17, 1983.
2. Order WR 84-2 Amending Decision 1594 was adopted by the State Water Resources Control Board on February 1, 1984.
3. The Decision and the Order set forth changes to be made in permits containing Standard Water Right Permit Term 80.

NOW, THEREFORE, IT IS ORDERED:

1. Standard Water Right Permit Term 80 is deleted from the permit.

Standard Water Right Permit Term 80 is worded as one of the following:

"The State Water Resources Control Board reserves jurisdiction over this permit for the purpose of conforming the season of diversion to later findings of the Board on prior applications involving water in the Sacramento River Basin and Delta. Action by the Board will be taken only after notice to interested parties and opportunity for hearing."

or

"The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to the results of a comprehensive analysis of the availability of unappropriated water in the [name of river basin or watershed]. Action to change the season of diversion will be taken only after notice to interested parties and opportunity for hearing."

2. Standard Water Right Permit Term 91 is deleted from the permit.

Standard Water Right Permit Term 91 reads as follows:

"No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.

- a. Inbasin entitlements are defined as rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.

- b. Supplemental Project water is defined as water imported to the basin by the Projects, and water released from Project storage, which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

"The Board shall notify the permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise the permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators."

Dated: AUGUST 6 1984

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18875

Application 27284 of U. S. Tahoe National Forest

Highway 49 and Coyote Street, Nevada City, California 95959

filed on April 7, 1982, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Carman Creek

Sierra Valley Channels thence

Middle Fork Feather River

| 2. Location of point of diversion: | 40-acre subdivision of public land survey or projection thereof | Section | Township | Range | Base and Meridian |
|---|---|---------|----------|-------|-------------------|
| (1) North 150 feet and East 100 feet from S $\frac{1}{4}$ corner of Section 5 | SW $\frac{1}{4}$ of SE $\frac{1}{4}$ | 5 | 21N | 14E | MD |
| (2) South 600 feet and East 1,000 feet from W $\frac{1}{4}$ corner of Section 5 | NW $\frac{1}{4}$ of SW $\frac{1}{4}$ | 5 | 21N | 14E | MD |
| | | | | | |
| | | | | | |
| | | | | | |

County of Sierra

| 3. Purpose of use: | 4. Place of use: | Section | Township | Range | Base and Meridian | Acres |
|----------------------|---|---------|----------|-------|-------------------|-------|
| Wildlife Enhancement | Reservoir No. 1 In SW $\frac{1}{4}$ of SE $\frac{1}{4}$ | 5 | 21N | 14E | MD | |
| | E $\frac{1}{2}$ of SW $\frac{1}{4}$ | 5 | 21N | 14E | MD | |
| | Reservoir No. 2 In NW $\frac{1}{4}$ of SW $\frac{1}{4}$ | 5 | 21N | 14E | MD | |
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The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 32 acre-feet per annum to be collected from October 1 of each year to May 31 of the succeeding year as follows: 22 acre-feet per annum in Reservoir No. 1, 10 acre-feet per annum in Reservoir No. 2. (0000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)
8. Construction work shall be completed by December 1, 1986. —————> (0000008)
9. Complete application of the water to the authorized use shall be made by December 1, 1987. (0000009)
10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)
11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable methods of use, or unreasonable method of diversion of said water.
- The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)
13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)
14. Rights under this permit are, and shall be, subject to existing rights determined by the Middle Fork Feather River Adjudication, Superior Court, Plumas County, No. 3095 insofar as said adjudicated rights are maintained and such other rights as may presently exist. (0000023)
15. After the initial filling of the storage reservoir, permittee's right under this permit extends only to water necessary to keep the reservoir full by replacing water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the diversion season. (0000040)

16. This permit is subject to the continuing authority of the State Water Resources Control Board to reduce the amount of water named in the permit upon a finding by the Board that the amount is in excess of that reasonably needed to be held in storage for the authorized use. No action will be taken by the Board without prior notice to the owner and an opportunity for hearing. (0000042)

17. Permittee shall, when required by the State Water Resources Control Board, install and maintain outlet pipes of adequate capacity in all dams as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoirs which is not authorized for appropriation under this permit may be released. (0050044)

18. The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to the results of a comprehensive analysis of the availability of unappropriated water in the Sacramento River Basin. Action to change the season of diversion will be taken only after notice to interested parties and opportunity for hearing. (0000080)

19. This permit is subject to prior rights. Permittee is put on notice that during some years water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Sacramento River Basin are such that in any year of water scarcity the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing. (0000090)

20. No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.

- A. Inbasin entitlements are defined as all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.
- B. Supplemental Project water is defined as water imported to the basin by the projects, and water released from Project storage, which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

The Board shall notify the permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise the permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators. (0000091)

21. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, Central Valley Region, or by the State Water Resources Control Board.

Failure of permittee to comply with this term will subject the permit to revocation, after opportunity for hearing.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: MAY 23 1983

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights